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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,041	06/01/2001	Michael Heuken	03345-P0017A	5097
24126	7590	05/05/2004	EXAMINER	
ST. ONGE STEWARD JOHNSTON & REENS, LLC 986 BEDFORD STREET STAMFORD, CT 06905-5619			SONG, MATTHEW J	
			ART UNIT	PAPER NUMBER
			1765	
DATE MAILED: 05/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/873,041	<b>Applicant(s)</b> HEUKEN ET AL.
	<b>Examiner</b> Matthew J Song	<b>Art Unit</b> 1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 09 February 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) 18,26-28 and 57-59 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17,19-25 and 29-56 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/9/2004 has been entered.

### ***Election/Restrictions***

2. Newly submitted claims 26-28 and 57-59 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 26-28 and 57-59 are directed to a product and the product as claimed can be made by another and materially different process, such as a process, which does not utilize temperature simulations.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 26-28 and 57-59 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 23, 29, and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites, “controlling at least one process temperature and the temporal variation therefore in correspondence with a numerically simulated temperature variation profile” in lines 16-18. The instant specification merely teaches the temperature management system is based on temperature profiles which haven been determined on the basis of numerical simulations, note page 3 of the instant specification. There is no support for temporal variations. Likewise for claims 23, 29 and 30.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-10, 12-17, 19-25, and 29-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitz et al (“MOVPE growth of InGaN on sapphire using growth initiation cycles”) in view of Burmeister (US 3,617,371) and Jinguji (JP 61-297617), an English Abstract has been provided or Ram et al (“Modelling Furnace Operations Using Simulation and Heuristics”).

Schmitz et al discloses a Metal organic chemical vapor deposition, MOCVD, for forming an AlGaInN alloy, where a variety of total flow rates and extremely precise temperature control and uniformity across the entire reactor and the substrate by means of a new multicoil heater system are used to achieve a film with excellent photoluminescence uniformity, this reads on applicant's controlling process parameters in the reaction chamber (Abstract). Schmitz et al also discloses an inductive heater brings a susceptor to a maximum temperature of 1600°C and very fast heat up and cooling cycles up to 6°C/sec can be achieved. Schmitz et al also discloses rapid cooling rates are enhanced because of reduced thermal mass susceptor, water cooled reactor chamber with all thermostated reactor walls. Schmitz et al also discloses reagents are separated in two carrier gas flows that combine at the injector and thermal management of the reactor in particular is a very critical parameter. Schmitz et al also discloses the injection zone is kept at a lower temperature to preserve less stable compounds (col 2-3), this reads on applicant's gas inlet. Schmitz et al also discloses accurate heat transfer calculation are critical because precursor decomposition and formation of deposits are determined by the temperature distribution in the

MOCVD reactor. Schmitz et al also discloses precise temperature control of a quartz ceiling, this reads on applicant's upper side of the reaction chamber, inside the reactor is employed to keep the inner reactor wall, this reads on applicant's chamber walls, at a suitable elevated temperature to minimize deposits and growth temperatures are adjusted with a precision of 0.1°C. Schmitz et al also discloses total flow rates and the gas flow ratio are used to optimize the growth rate and uniformities while growth rates can be adjusted independently (col 4-5). Schmitz et al also discloses absolute control over the ceiling temperature by employing an in situ monitoring and closed feedback control system and a sensor from 400 to 1900°C with a resolution to 0.1 °C is used, this reads on controlling the temporal variation of the set of process temperatures, and it is possible to monitor the temperature profile of the wafer, satellite and planetary disc and a RF heater is adjustable such that the temperature uniformity of the satellite and planetary disc is optimized, this reads on applicant's first and second wafer support (col 9-12). Schmitz et al also discloses a multiwafer planetary reactor with a rotating susceptor and an exhaust (fig 1).

Schmitz et al does not disclose a gas mixing system.

In a method of growing a III-V layer by vapor phase epitaxy, note entire reference, Burmeister teaches a vapor phase reactor includes separately arranged source, mixing **45** and growing chambers which may be selectively heated inductively to eliminate contaminating decomposition of the reactor walls (col 1, ln 1-67). Burmeister also teaches RF heating coils **65** may be varied to concentrate the heating power at selected portion of the length of the walls and the portion adjacent the mixing chamber operates at approximately 800°C and the term approximately is intended to include values within + 10 percent of the stated value. Burmeister also teaches a temperature sensing means **71** may be connected to a thermocouple **69** for giving a

temperature indication or for controlling the RF power from source **67** where desired to maintain close control of operating temperature (col 2, ln 1-75). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Schmitz et al with Burmeister's mixing chamber to eliminate contaminating decomposition of the reactor walls (col 1, ln 25-40).

The combination of Schmitz et al and Burnmeister et al does not teach controlling the temporal variation of at least one process temperature in correspondence with a numerically simulated temperature variation profile.

In a method of controlling a physical system, Jinguji teaches a numerical model system **20** is acquired by simulating the physical system **10** by an electronic computer. A control means **32** adjusts the difference of the physical system and model system until the difference reaches zero. Jinguji also teaches the physical system **10** applies to a temperature control system (Abstract). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Schmitz et al and Burnmeister et al by controlling the process temperatures in correspondence to a numeric simulation, as taught by Jinguji, to determine an unknown variable parameter.

In a method of modeling furnace operations, note entire reference, Ram et al teaches simulation is a technique wherein a model of a system is run in compressed time to perform experimentation for analyzing system performance. Ram et al also teaches simulation has been used extensively in conjunction with optimization methods (pg 959). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Schmitz et al and Burnmeister et al by controlling the process temperatures in correspondence to a numeric simulation, as taught by Ram et al because the numerical simulation represents

optimum conditions and controlling the system to match the optimum numerical simulation would improve the process.

Referring to claims 2 and 35, the combination of Schmitz, Burmeister and Jinguji or the combination of Schmitz, Burnmeister and Ram et al does not teach controlling the temperature  $T_1$  below the condensation temperature of the gases and by adjustment of the temperature for avoiding the formation of addition compounds. Schmitz et al discloses the injection zone is kept at a lower temperature to preserve less stable compounds (col 2-3). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Schmitz, Burmeister and Jinguji or the combination of Schmitz, Burnmeister and Ram et al by injecting the reactants at a temperature below the condensation temperature to preserve less stable compounds, which would also avoid formation of addition compounds.

Referring to claims 3 and 36, the combination of Schmitz, Burmeister and Jinguji or the combination of Schmitz, Burnmeister and Ram et al teach all of the limitations of claim 3, as discussed previously, except control of temperature  $T_2$  as equal to the temperature of  $T_3$ . Schmitz et al teaches the precise control of the quartz ceiling inside the reactor is employed to keep the inner reactor wall at a suitable temperature (700-950°C), which allows to minimize deposits (col 5). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Schmitz, Burmeister and Jinguji or the combination of Schmitz, Burnmeister and Ram et al to have the principle wafer support equal the temperature of the chamber wall to minimize the deposits of the wafer support. Furthermore, temperature is a result effective variable that can be optimized through routine experimentation (MPEP 2144.05).

Referring to claims 4 and 37, Schmitz et al discloses an inductive heater brings the susceptor to a maximum temperature of 1600°C and heat-up and cooling cycles up to 6°C/sec (360°C/min) can be achieved (col 2-3) and it is necessary to hold temperature constant for good quality epitaxial layers (col 10).

Referring to claims 5 and 38, Schmitz et al disclose a sensor with a resolution to 0.1°C is used and it is possible to monitor the temperature profile of the wafer, satellite and planetary disc and adjusting the heater such that the temperature uniformity of the wafer and satellite disc is optimized, this reads on applicant's controlling the temperature of the individual wafer supports, satellites, in correspondence to the temperature  $T_3$ , the planetary disc.

Referring to claims 6 and 39, the combination of Schmitz, Burmeister and Jinguji or the combination of Schmitz, Burnmeister and Ram et al teach all of the limitations of claim 6, as discussed previously, except controlling the temperature of  $T_5$  to a value smaller than the value of the temperatures  $T_4$  and  $T_5$ . The temperature of the wafer supports requires a large amount of heat for decomposition of reactant gases and deposition, but the gas outlet does not have this requirement because no deposition is desired at the gas outlet; therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Schmitz, Burmeister and Jinguji or the combination of Schmitz, Burnmeister and Ram et al by heating the gas outlet to a temperature less than  $T_4$  to save energy and reduce operating costs. Also temperature is a result effective variable, which can be optimized through routine experimentation (MPEP 2144.05).

Referring to claims 7 and 40, Schmitz et al teaches the reagents are separated in two gas flows that combine at the injector and the injection zone is kept at a lower temperature to preserve less stable compounds (col 3).

Referring to claims 8-9 and 41-42, Schmitz et al discloses it is necessary to hold the ceiling, the upper side of the reaction chamber, temperature constant to be sure about the thermal condition of the susceptor surface and wafer, this reads on applicant's correlates to T<sub>3</sub> (col 10). The closed feedback control system, this reads on applicant's heating system, provides control over the ceiling temperature.

Referring to claims 10 and 43, Schmitz et al discloses total flow rates are used to optimize growth rates and uniformities can be adjusted independently, this reads on applicant's controlling a temperature dependent gas flow variation (col 5).

Referring to claims 12 and 45, Schmitz et al discloses controlling a temperature dependent principle carrier gas variation in the reaction chamber (Fig 6).

Referring to claims 13 and 46, Schmitz et al discloses controlling temperature GaN/InGaN growth (Fig 17) during substrate cleaning, nitridization, buffer layer growth and film growth, this reads on applicant's controlling temperature dependent interrupts in the production process because production is interrupted between layers and temperature control is maintained.

Referring to claims 14 and 47, Schmitz et al discloses substrates of Al<sub>2</sub>O<sub>3</sub>, SiC and Si, this reads on applicant's other material resistant to temperature and process gases.

Referring to claims 15 and 48, Schmitz et al discloses substrate cleaning and nitridization and growing a buffer layer (col 17), this reads on applicant's surface treatment or covering the surface with other materials or material components.

Referring to claims 16 and 49, Schmitz et al discloses growing a buffer layer at 500°C and growing GaN at 1000-1100°C using ammonia and trimethyl gallium (col 15 and col 17), this reads on applicant's two stage application of materials.

Referring to claims 17 and 50, Schmitz et al discloses the injection zone is kept at a lower temperature to preserve less stable compounds, this reads on applicant's temperature controlled injector.

Referring to claims 19-20 and 51-52, Schmitz et al teaches an inductive heater brings a susceptor, this reads on applicant's first wafer support, to a maximum temperature of 1600°C and very fast heat up and cooling cycles up to 6°C/sec (360°C/min) can be achieved. Overlapping ranges are held to be obvious (MPEP 2144.05).

Referring to claims 21 and 53, Schmitz et al teaches growth temperatures are adjusted with a precision of 0.1°C.

Referring to claims 22 and 54, the combination of Schmitz, Burmeister and Jinguji or the combination of Schmitz, Burnmeister and Ram et al is silent to the temperature of the second wafer support is less than the temperature of the first wafer support. The first wafer support is in contact with the susceptor and the second wafer support is on top of the first wafer support. The second wafer support is inherently lower temperature because there is inherently some heat lost due to heat transfer. Furthermore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Schmitz, Burmeister and Jinguji or

the combination of Schmitz, Burnmeister and Ram et al by optimizing the temperature of the first and second wafer supports to obtain same by conducting routine experimentation of a result effective variable because changes in temperature are held to be obvious (MPEP 2144.05).

Referring to claims 24-25 and 55-56, Schmitz et al teaches p-type and n-type doping (pg 236) and a concentration of  $10^{17} \text{ cm}^{-3}$ , this reads on applicant's up a concentration of  $10^{18} \text{ cm}^{-3}$ . Furthermore, where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation. (In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235(CCPA 1955)). Changes in concentration is held to be obvious, note MPEP 2144.05.

7. Claims 11 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitz et al ("MOVPE growth of InGaN on sapphire using growth initiation cycles") in view of Burmeister (US 3,617,371) and Jinguji (JP 61-297617), an English Abstract has been provided or Ram et al ("Modelling Furnace Operations Using Simulation and Heuristics"), as applied to claims 1-10, 12-17, 19-25, and 29-56 above, and further in view of Takai et al (US 5,402,748).

The combination of Schmitz, Burmeister and Jinguji or the combination of Schmitz, Burnmeister and Ram et al teaches all of the limitations of claim 11, as discussed previously, except additionally controlling a temperature dependent total pressure variation in the reaction chamber.

In a method of growing a semiconductor film, note entire reference, Takai et al teaches a GaAs buffer layer **22** is grown on a Si substrate **21** while supplying TMG and AsH<sub>3</sub> and the supply of TMG is interrupted and the temperature is elevated to about 650°C while controlling

the total pressure of AsH<sub>3</sub> (col 8, ln 35-50). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Schmitz, Burmeister and Jinguji or the combination of Schmitz, Burnmeister and Ram et al with Takai et al to control the total pressure to guarantee satisfactory flatness in the surface of a layer on top of the buffer layer (col 8, ln 50-67).

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-17,19-25 and 29-56 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Frijlink (US 5,108,540) teaches a device **20** for controlling the temperature of wall opposite a susceptor.

Flemish et al (US 5,256,595) teaches a hot wall reactor with four temperature zones for deposition, mixing, preheating and injection, where gas flows are controlled by a microprocessor (col 2-3).

Molnar (US 6,086,673) teaches exhaust lines are at a sufficiently high temperature to prevent clogging reactor exhaust lines (col 4, ln 55-67).

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J Song whose telephone number is 571-272-1468. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571-272-1465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew J Song  
Examiner  
Art Unit 1765

MJS

NADINE G. NORTON  
SUPERVISORY PATENT EXAMINER  
